

The State Board of Education/State Board for Vocational Education held its regular meeting on Thursday, June 21, 2012, in the Cabinet Room of the John G. Townsend Building, Dover, Delaware.

Present were: Dr. Teri Quinn Gray, President; Jorge L. Melendez, Vice President; Gregory B. Coverdale, Jr., G. Patrick Heffernan, Randall L. Hughes, II, Barbara B. Rutt, Dr. Terry M. Whittaker, and Mark T. Murphy, Executive Secretary and Secretary of Education. Donna R. Johnson, who serves as the State Board's Executive Director, was also present.

Also in attendance were Catherine Hickey, Deputy Attorney General and legal counsel for the State Board of Education; Daniel E. Cruce, Deputy Secretary of Education and Chief of Staff; Dr. Linda B. Rogers, Associate Secretary for Teaching and Learning; and Karen Field Rogers, Associate Secretary for Financial Reform and Resource Management.

Attending portions of the meeting in conjunction with agenda items: Dr. Michael Stetter, Dr. Susan Haberstroh, Joanne Reihm, Jennifer Ranji from the Governor's Office and John Carwell. Attending for the robotics recognition were: Stina Stanford, Noah Andrews, James Prettyman, Peter McCartney; along with mentors, Ron Prettyman, Mike Sanford, and Andrew Szeto.

Also attending: John Hindman, Deputy Attorney General; and Charles Michels, Professional Standards Board (PSB), Brett Turner, Rodel Foundation, and Oliver Yeh from First State Montessorri Academy.

### **Call to Order**

President Gray presided over the monthly meeting and called the meeting to order at 5:06 p.m. She welcomed all guests to the State Board's public meeting.

### **Approval of Agenda**

The first order of business was approval of the agenda. Dr. Gray announced that the order of the presentations was amended to have the recognition of the MOE 365 FTC team right after the approval of the minutes. A motion was made by Mr. Melendez to approve the agenda as amended. The motion was seconded by Dr. Whittaker and carried with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Mrs. Rutt  
Dr. Whittaker

None.

### **Approval of Minutes**

The Board received a copy of the minutes from its retreat, the May 17<sup>th</sup> work session and the May 17<sup>th</sup> regular meeting.

A motion was made by Mrs. Rutt to approve the minutes of the State Board Retreat held on May 3-5, 2012. The motion was seconded by Mr. Melendez and carried with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Heffernan  
Mrs. Rutt  
Dr. Whittaker

None.

Mr. Coverdale and Mr. Hughes abstained as they were not present at the Retreat.

A motion was made by Mr. Heffernan to approve the minutes of the work session of May 17, 2012 where the Board recognized the students from the "If You Really Knew Kirk" program. The motion was seconded by Dr. Whittaker and carried with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Heffernan  
Mrs. Rutt  
Dr. Whittaker

None.

Mr. Coverdale and Mr. Hughes abstained as they were not present at the work session.

A motion was made by Dr. Whittaker to approve the minutes of the regular meeting of May 17, 2012. The motion was seconded by Mr. Melendez and carried with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Mrs. Rutt  
Dr. Whittaker

None.

Mr. Coverdale and Mr. Hughes abstained as they were not present at the regular meeting.

### **Recognition of the FIRST Tech Challenge Team MOE 365**

The State Board of Education and Secretary Murphy recognized the First Tech Challenge (FTC) Team 365 MOE (Miracle of Engineering) for their accomplishments in robotics.

Dr. Gray presented the team members and their mentors with the State Board's Order of Excellence, the highest honor the State Board can bestow. Secretary Murphy presented the Secretary's Merit Award.

The team provided an overview of their activities and the various types of competitions for robotics. The Board recessed at 5:28 to p.m. to witness a live demo in the Townsend Building Lobby of the robots in action. The Board reconvened at 5:43 p.m.

### **Formal Public Comment**

It was indicated that this was the time the Board set aside for formal public comment. Dr. Gray announced that no individuals signed up to address the State Board.

### **Committee Reports from State Board Members**

Mrs. Rutt represented the State Board at the Delaware School Boards Association (DSBA) meeting. The discussion focused on changing local board elections to November and the increase in dues for DSBA members.

Mr. Heffernan convened a meeting of the State Board Research Subcommittee prior to the meeting.

Mr. Melendez attended the State Board Work Session on June 6th. He also attended a celebration for Dr. Susan Bunting, Superintendent of the Indian River School District, who was

one of four national finalists for Superintendent of the Year. Mr. Melendez made comments at the celebration on behalf of the State Board.

Dr. Whittaker attended the June 6th Work Session. He also attended the National Association of State Boards of Education (NASBE) Public Education Position Committee meeting. Issues reviewed included the achievement gap, Common Core State Standards, and teacher effectiveness.

Dr. Gray welcomed Mr. Hughes to his first State Board meeting. She provided some background information noting that he is a Deputy Principal Assistant for the Delaware Department of Safety and Homeland Security. Prior to that role, he served as a Delaware State Trooper, retiring in July 2009 at the rank of Major. Mr. Hughes also served on the Indian River School Board from 2006 to 2012.

Ms. Johnson stated that her activities report was posted with the State Board agenda along with information on the upcoming STEM Institute and a workshop on Common Core. Ms. Johnson also attended the NASBE Study Group on the Role of Technology in Schools and Communities. The Study Group will present its findings and recommendations at the NASBE Annual Conference in October.

President Gray welcomed Secretary Murphy to his first State Board meeting and then provided her report. She was the keynote speaker at the Delaware Leadership Project graduation. Cape Henlopen, Capital, Christina and Red Clay School Districts participated in the program. Dr. Gray informed the Board members of the third community discussion, where she is a panelist, sponsored by the United Way - Stand United for Our Children campaign scheduled for June 26<sup>th</sup> and a fourth on July 24th.

### **Research Committee Report and Proposal**

Mr. Heffernan stated that the Research Committee met about a proposal which would extend the research done initially to develop the charter school academic performance framework for securing additional data, technical assistance, and target setting. He asked that the State Board set aside \$20,000 to fund this additional research and authorize the President to work out the details and enter into any agreement as necessary. Dr. Gray explained that the additional data is needed to run the targets of the growth measures in the charter school performance framework.

A motion was made by Mr. Heffernan that the State Board set aside up to \$20,000 to continue its research as it develops the charter school performance framework. The funding will be used by Public Impact to do the additional work and he moved that permission be given to the State Board President to work out the details. The motion was seconded by Mrs. Rutt and failed with the following roll call vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Heffernan  
Mrs. Rutt

Mr. Melendez  
Mr. Coverdale  
Mr. Hughes  
Dr. Whittaker

There was concern expressed by the State Board members that a proposal was not available for the Board to review with a specific amount attached to the proposal. The Board members felt that it would be best to have the Research Committee and the Budget Committee meet and bring a final proposal to the Board for action.

A motion was made by Mr. Melendez that the State Board's Research Committee and Budget Committee jointly review the cost and proposal from Public Impact to continue the data research on the charter school academic performance framework and bring to the full board for review. The motion was seconded by Mr. Coverdale and carried unanimously with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Mrs. Rutt  
Dr. Whittaker

None.

### **State Board Procedures Manual**

Catherine Hickey, Deputy Attorney General and legal counsel for the State Board of Education, explained that changes have been made to the State Board's Procedures Manual that address its recording of regular meetings as well as other changes to align with the State Code. The Procedures Manual will be advertised in the State Register and posted on the State Board's webpage. A motion was made by Mr. Melendez to approve the revisions as presented. The motion was seconded by Dr. Whittaker and carried unanimously with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Mrs. Rutt  
Dr. Whittaker

None.

The State Board signed the appropriate Order.

### **Charter Performance Framework - Progress Update**

Jennifer Ranji from the Governor's Office joined State Board Executive Director Donna Johnson and John Carwell from the Department's Charter School Office in presenting an update on the development of the charter school performance framework. The Board received an overview of the work that has been done to date. The framework focuses on three areas: academic, organizational and financial. This process began about a year and a half ago and was developed to measure and assess a charter school's performance. One outcome of this work was to develop a tool to inform decisions made including renewals, major modifications, targeted assistance, and formal review, including the possibility of recommendations for revocation. Additional guidance will be provided on how to use the framework. Several workshops and webinars have been conducted to inform the charter schools and their input and feedback has been received. Schools will be reviewed on an annual basis using the framework and the data will contain information on how each school is performing on each of the measures with the frameworks. Each of the three frameworks were explained. The academic framework was customized for Delaware to show growth, status, includes national measures, post-secondary readiness measures, and optional unique charter mission specific measures. The financial framework is consistent with what is used in other states and uses information provided through analysis of the charter's audit and budget. The organizational framework captures compliance and performance within multiple measures required in federal and state guidelines. Academic, financial, and organizational performance expectations as measured by these frameworks will be part of the school's performance agreement. The proposed changes to Regulation 275, Charter Schools, address the performance framework and are being advertised for comments. Ms. Johnson noted that the National Association of Charter School Authorizers (NACSA) has been providing the state guidance and was included in the original grant. She noted that the Charter School Network has also been working with the charter schools on the development of their performance agreements to align with the framework.

The Board took a brief recess from 6:55 p.m. to 7:05 p.m.

## **Department of Education**

### **DCAS Update**

Dr. Mike Stetter, Director of Accountability Resources, provided a brief update. Standard setting for the end of course exams will take place in July and activities are also planned for the DCAS Alternate assessment this summer. Dr. Stetter noted the change in the accommodations policy for DCAS has resulted in more scrutiny on the students that receive accommodations. He explained that the end of course exams that have been given have not received scores but after the standard setting process this summer data will be available and cut points recommended. Recommendations for the Alternate Assessment will come before the Board in September. Approximately 1% of the student population are administered this alternate assessment. Dr. Stetter announced that the school and district accountability ratings will be released on August 1st.

### **Governor's Education Agenda**

Mr. Christopher Ruszkowski, Chief Officer for the Teacher Leader Effectiveness Unit, spoke about the guidelines that were distributed for Year 1 of the Retention initiative noting that year 2 and year 3 would be different. Thirty schools were selected to participate in the retention program and of those eleven schools accepted the opportunity. Nine of the eleven schools are charter schools. The other two are Dover High School and Laurel Middle. In terms of numbers, Mr. Ruszkowski explained that in those eleven schools approximately 200 DCAS teachers in Grades 3-10 would be eligible for the retention bonus and approximately 30-35 administrators would be eligible. DPAS II Component 5 rating will be the determining factor. Teachers and school staff will be notified of their rating at the end of July. Mr. Ruszkowski explained that for year 2 and 3 of the initiative, the number of schools can be expanded and also include other teachers in additional grades and subjects. Mr. Hughes asked why the other schools that were eligible chose not to participate. Mr. Ruszkowski responded that he felt that many of the schools felt it was unfair to award the bonuses since all grade levels and subject areas were not included. He feels that when additional subject areas are included more schools would participate in the program. Mr. Hughes commented that he understood noting that a student's first and second grade teacher is very much a part of success in the third grade. Mr. Ruszkowski indicated that even schools that are participating voiced concerns that not all teachers are eligible but he reminded the Board that the goal of the program is to help schools retain highly effective teachers.

Dr. Susan Haberstroh, Education Associate for Regulation Review, and Joanne Reihm, Education Associate for Accountability, provided an overview of the Department's ESEA Flexibility proposal which was approved by the U. S. Department of Education on May 29<sup>th</sup>. One of the major aspects of the plan is a change in the ratings and the status received by a school. Replacing the current ratings will be four classifications: 2 rewards schools (one high progress and one high achieving); 15 recognition schools, 13 focus schools and 10 partnership zone schools. As in the past, partnership zones must submit plans to the Department. Focus

schools will submit plans to the department addressing their areas of improvement and be eligible for grant funding to implement those programs. Additionally, they will be able to set aside a portion of Title I funds to support this school improvement efforts. Each district and charter school will receive differentiated support from the Department that will be more target specific to that district or charter school's needs. All districts and charter schools will receive a designated support level from the Department regarding the level of technical assistance provided to them. Support levels can vary from intense, advanced, moderate, or minimal. The Board received information on the impact data noting that the identification for these schools is from 2010-2011 data. There was discussion by the Board on the schools that will not receive a classification and the level of support they would receive from the Department. The response was that support to districts would still be available through the consolidated grant application and as is designated in the new tiered support framework.

### **Secretary's Report, Review and Discussion**

Secretary Murphy provided his first Secretary's Report and commented on his first 21 days. The preliminary DCAS data shows some gains and Mr. Murphy commented on the huge amount of work being done by teachers and leaders. The Common Core Steering Committee has convened for its second meeting and the group will continue to meet and address curriculum, achievement and instruction. Secretary Murphy stated that he just completed the 19 district reviews to address their priorities for next year and look at how each district is doing. He informed the Board that Component 5 is moving forward and every teacher received a communication at the end of May with an update and an FAQ document has been developed to help answer questions that have come up. The FAQ is located on the Department's website and updated regularly. The next communication to teachers will be sent June 30th. Mr. Murphy reported some good news in that the Department has received a \$4.6 million grant from the Institute of Education Sciences in support of its statewide longitudinal data systems. Delaware was one of eight first-time winners, which supports three-year projects to either: design, develop and implement a statewide, longitudinal kindergarten through grade 12 data system; develop and link early childhood data with the state's K-12 system; or develop and link postsecondary and/or workforce data with the state's K-12 system. This grant will help the state respond to the needs of teachers and schools, adding content to the analytic and reporting capabilities of the state's K-12 system.

### **Department of Education Regulations**

Dr. Susan Haberstroh, Education Associate for Regulation Review, presented the Department regulations.

### **275 Charter School (For Discussion)**

The Secretary of Education is seeking the consent of the State Board of Education to amend 14 DE Admin. Code 275 Charter Schools. The amendments reflect the process for Performance Reviews as well as other amendments to align with specific Delaware Code revised during the 146<sup>th</sup> General Assembly.



Dr. Haberstroh noted that this regulation reflects some clean up language, i.e., DSTP to DCAS and clarifies definitions. She thanked Ms. Johnson and Mr. Carwell for meeting with stakeholders to bring them up to speed on the proposed changes. The regulation is out for publication and will be placed on the July State Board agenda for action.

#### **294 Data Governance (For Action)**

The Secretary of Education is seeking the consent of the State Board of Education to adopt a new regulation 14 DE Admin. Code 294 Data Governance. This regulation was developed in consultation with a working group designated by the members of the P-20 which includes representatives of the Interagency Resource Management Committee. The regulation is adopted pursuant to legislation passed in the 146<sup>th</sup> General Assembly and specifically 14 Del. C., 122(b)(24). This regulation provides for the criteria and process for interagency data governance and the conduction of evaluations, audits and studies. The *Delaware P-20 Council Data Governance Handbook*, approved by the P-20 Council in January 2012 is a companion document to this regulation.

Dr. Haberstroh noted that comments were received from the Governor's Advisory Council for Exceptional Citizens and the State Council for Persons with Disabilities.

A motion was made by Mrs. Rutt to consent to the adoption of this new regulation as presented by the Department. The motion was seconded by Dr. Whittaker and carried unanimously with the following vote recorded:

Ayes:	Nays:
Dr. Gray	None.
Mr. Melendez	
Mr. Coverdale	
Mr. Heffernan	
Mr. Hughes	
Mrs. Rutt	
Dr. Whittaker	

The Board signed the appropriate Order.

#### **Professional Standards Board**

Charles Michels, Executive Director of the Professional Standards Board, presented the PSB regulations.

### **1570 Early Childhood Special Education Teacher (For Discussion)**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, is seeking the consent of the State Board of Education to amend regulation DE Admin. Code 1570 Early Childhood Special Education Teacher.

It is necessary to amend this regulation in order to facilitate proper and current formatting trends. There are no changes in certification requirements other than clarifying the requirements for those educators who seek this certification as their first Standard Certificate and those adding this Standard Certificate to one or more previously issued on their license. This regulation sets forth the requirements for an Early Childhood Exceptional Children Special Education Teacher.

Mr. Michels noted this regulation has been advertised for comments and it will be placed on the Board's agenda for action next month.

### **1597 Delaware Professional Teaching Standards (For Action)**

The Professional Standards Board, acting in cooperation and collaboration with the Department of Education, is seeking the consent of the State Board of Education to amend regulation DE Admin. Code 1597 Delaware Professional Teaching Standards. The Delaware Professional Teaching Standards shall serve as the common principles and foundations of teaching practice for Delaware public school educators in accordance with 14 Del.C.1201 and 1205 (b). The standards outline what educators should know and be able to do to ensure every K-12 student reaches the goal of being ready to enter college or the workforce in today's world. Delaware Professional Teaching Standards would reflect the Council of Chief State School Officers' Interstate Teacher Assessment and Support Consortium Model Core Teaching Standards.

A motion was made by Dr. Whittaker to approve the amended regulation 14 Delaware Administrative Code 1597 Delaware Professional Teaching Standards as presented. The motion was seconded by Mr. Coverdale and carried unanimously with the following vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mr. Heffernan  
Mr. Hughes  
Mrs. Rutt  
Dr. Whittaker

None.

The Board signed the appropriate Order.

## **Charter Schools**

John Carwell, Education Associate for Charter Schools, presented the charter school items on the State Board agenda.

### **Request for Reconsideration of the Application for First State Montessori Academy - For Action**

At the May 17, 2012 State Board of Education meeting, the State Board did not assent to the Secretary's recommendation to approve the application for a new charter to First State Montessori Academy. The State Board has received a request that it reconsider its decision.

Secretary Murphy made the following comments:

At last month's Board meeting, my predecessor announced that she approved of this application and asked for the Board's assent to approve the application. A motion was made to approve the application, but it failed for lack of the requisite number of votes in favor of the motion. After the Board's meeting, the Department discovered that, due to a clerical error, the board had not been furnished with the complete record in this matter. Specifically, exhibits attached to the applicant's response to the preliminary report of the Charter School Accountability Committee were not included in the record forwarded to the board. Copies of those exhibits were provided to the Board in advance of today's meeting. As the Department's charter school regulation requires that the decision of the Department and Board be based upon the record, I ask that the Board reconsider its decision in this matter now that it has been furnished with the complete record.

A motion was made by Mr. Coverdale to reconsider the application request for granting a charter to First State Montessori Academy. The motion was seconded by Mr. Melendez.

Mr. Heffernan stated that after reviewing the additional appendices he did not see any additional details to the responses that the Board received last month. He was also concerned that this was the second time the Board has been asked to reconsider a decision. Other Board members felt that the Board had to reconsider since the entire record was not received prior to the Board making its decision.

The motion carried with the following roll call vote recorded:

Ayes:

Nays:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mrs. Rutt  
Dr. Whittaker

Mr. Heffernan  
Mr. Hughes

**Request for Reconsideration of the Charter Application  
for First State Montessori Academy (For Action)**

Dr. Gray explained that the Board is reconsidering the application for a new charter from First State Montessori Academy which it considered at its May 17, 2012 meeting. At the May 17, 2012 State Board meeting, the Department presented the application for a new Charter from First State Montessori Charter School, noting that the Charter School Accountability Committee recommended approval with conditions. The Secretary accepted the Committee's recommendation and approved the new charter school subject to the conditions in the Committee's final report and with the following additional condition:

No later than July 19, 2012, the school will enter into a performance agreement in a form satisfactory to the Delaware Department of Education, which may be amended by time to time, at the request of the Department. And further that during the term of this charter, the school will comply with all regulations of the Department applicable to charter schools and any amendments thereto.

A motion was made by Mr. Coverdale that, after review of the entire record and consideration of the Secretary's approval, the Board assents to the granting of a charter to First State Montessori Academy Charter School, subject to the conditions in the Accountability Committee's final report and the additional condition imposed by the Secretary. The motion was seconded by Mrs. Rutt.

Mr. Heffernan reiterated that he did not feel that any of information contained in the appendices that was not reviewed prior to the vote last month was sufficient to alter his decision from last month. He also expressed his concern that this was an example of a private school becoming a charter school and that this concern was also raised by the Charter School Accountability Committee. Mr. Coverdale said he did not see anything wrong with the charter school and the private school sharing the same space. The motion carried with the following roll call vote recorded:

Ayes:

Dr. Gray  
Mr. Melendez  
Mr. Coverdale  
Mrs. Rutt

Nays:

Mr. Heffernan  
Mr. Hughes  
Dr. Whittaker

**Charter Schools Update**

Mr. Carwell provided the State Board with the monthly update on charter schools.

### **Information Items**

Dr. Gray reminded the Board of the information items in the agenda and asked if there was any other business to conduct.

### **Adjournment**

There being no further business, a motion was made by Mr. Melendez to adjourn the meeting. The motion was seconded by Dr. Whittaker and carried unanimously. The meeting was adjourned at 8:27 p.m.

Respectfully Submitted;

Mark T. Murphy, Executive Secretary  
and Secretary of Education

An audio of the entire meeting is available on the State Board's website at:  
<http://www.doe.k12.de.us/infosuites/ddoe/sbe/default.shtml>